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## The beginning(s) of storytelling

### – Testimonies from the International Criminal Tribunal for the Former Yugoslavia

*“The struggle of man against power is the struggle of memory against forgetting”*  
Milan Kundera

*“It reminds me that it’s my present that is foreign and that the past is home, albeit a lost home in a lost city in the midst of lost time”*  
Salman Rushdie

*Mina Wikshåland Skouen, Master student, University of Oslo*

The arrest of Ratko Mladić, former general of the Bosnian Serb army in May this year, was a major event for those of us dealing with the former Yugoslavia in one way or the other. In my case this way is the human rights organization the Norwegian Helsinki Committee. Human rights violations in these countries, as recent as they may be, are always connected to the past conflicts. The grounds for the indictment of Mladić to the International Tribunal for the Former Yugoslavia (from now on: *the tribunal*<sup>1</sup>) has therefore been a shadow on the wall in my office for several years.

Surrounded by stories from the wars and testimonies from the tribunal I began to notice how bits and pieces from testimonies found their way into other forms of storytelling, be it fiction, film, photographs, newspaper columns, comic strips and coffee tables<sup>2</sup>. I began to wonder how the highly contested legitimacy of the tribunal affects the stories where such remnants of the testimonies appear. This curiosity became the foundation of my – yet to be completed – master thesis on the problem of interpretation testimonies in books of the Croatian writer and critic Slavenka Drakulić.

Testimonies preceding the arrest of Mladić<sup>3</sup> and others<sup>3</sup>, leading to their indictments and extradition to the Netherlands, follow an apparently simple circulation pattern. The testimonies are given at the tribunal; directed by strict court procedures, and later some of them appear in stories in the region and elsewhere, without any of these regulations.

The moment the tribunal was established in the Netherlands in 1993, the scene for judicial interpretation departed from the place where the atrocities were committed. In this process testimonies do not only circulate between two geographically distant places, but also between genres of interpretation – from rigid courtrooms to coffee tables and books. In this paper I will try to indicate how the gap between the scene of judicial interpretation and the one outside the courtroom, ‘back home’, poses several challenges. More specifically; when reading stories from Bosnia Herzegovina that contains remnants of testimonies given at the tribunal; which challenges will this change of scenery pose to the interpretations?

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<sup>1</sup> Founded May 25<sup>th</sup> 1993 by resolution 827 at the UN Security Council

<sup>2</sup> It is an enormous amount of materials that potentially can show up in the most unexpected places. More than 190,000 records from 160 indictments, including minutes of every case heard at the Tribunal, is available online, and the court sessions can be seen live at the tribunal’s webpage

<sup>3</sup> Now available online at <http://icr.icty.org/>

The morning when Mladić' arrest made the news, I happened to be in the Serbian city Novi Pazar with a colleague. Close to bursting with excitement we waited for the press conference by the TV in the hotel bar, anticipating cheers and enthusiasm from the predominantly Muslim population in the city, or possibly rage and riots from local Serbs. When the moment came for the Balkan version of Barrack Obamas "We got him" it was almost impossible to hear what was said. Not because of exclamations of joy or applause, but because the volume was too weak to escape from the noise of coffee cups, beer glasses and conversations that were not interrupted by what we perceived of as a turning point for world history. This indifference is indeed not a complete picture of reactions to the arrest; there were celebrations in Bosnia Herzegovina and protests in several Serbian cities as well as in the Serb part of Bosnia Herzegovina. But the protests could not be compared to previous riots and celebrations when people considered as war heroes/war criminals were extradited to the tribunal.

Before I proceed, some clarifications of terms are necessary. I will refer to the two scenes as 'space(s) for interpretation', trying to avoid the geographical associations of 'location', 'place' or 'area'. 'Testimony' refers to a story by a witness about his or her experience. 'Story' and 'stories' are simply stories from the war, whether they are based on remnants from the tribunal or not. Other materials such as photographs, expert statements and material evidence that contribute to a trial and verdict will be referred to as 'accounts'.

When it comes to the sensitive issue of naming ethnic and national groups I will make it as simple as possible. Serbians, Bosnians and Croats denote national citizenship in Serbia, Croatia and Bosnia Herzegovina. Serb, Croat and Bosniak<sup>4</sup> refer to the ethnic groups. Croats and Serbs from Bosnia Herzegovina will be Bosnian Serbs and Bosnian Croats. Bosnia Herzegovina is divided into the two entities: the Bosnian-Serb entity Republika Srpska and the Federation of Bosnia Herzegovina. I will be talking about 'Republika Srpska', as it does not have proper English translation(it is not a republic). If I do not specifically say that I am talking about the Federation, will 'Bosnia Herzegovina' denote the whole country. Writing about the Balkans very often turn into this kind of endless explanations, but avoiding the issue will most probably create even more confusion.

### ***The remnants***

My main interest has been texts that in a clear manner rewrites or refers to the testimonies. Slavenka Drakulić' book *They Would Never Hurt a Fly – War Criminals on Trial in the Hague* from 2004 is such a text. I will highlight some of the polemic passages from the book which illustrate how complex the impact of its connection to the tribunal can be. Statements by Holocaust writer Primo Levi, the Serbian writer and former politician Dobrica Ćosić and President of Republika Srpska Milorad Dodik will accompany the discussion.

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<sup>4</sup> Formerly known as "Muslims", which was the name of an ethnic group as well as a religious one, during the war

My other example is quite different. First of all because it is a picture<sup>5</sup> and not a text. Secondly it is not a remnant from the court; published in 1992 it precedes the establishment of the tribunal with almost a year. But as we will see in the next few pages; interpreting the stories from the tribunal requires a different conception of time from that of the chronological development, even though one of the principles for a verdict is that it is possible to reconstruct the exact order of the event. Marshall's picture became one of the accounts from the war that prepared the conflicted foundation of the tribunal.

### ***Truth(s) of the war***

*They could never hurt a fly* is a collection of stories about the accused at the tribunal, based on testimonies from the courtrooms. Some characters are well known, such as Ratko Mladić and Slobodan Milošević (former president of Serbia). Some are ordinary soldiers, victims, bystanders and experts, and Drakulić's own story adds an autobiographical dimension to the text. It is not a novel, but more of a genre mix describing her encounter with the tribunal from the spectator bench, and she rewrites the testimonies with an explicit personal mission:

"My interest in writing this book was a simple one: as it cannot be denied that war crimes were committed, I wanted to find out about the people that committed them. Who were they? Ordinary people like you and me – or monsters? (Drakulić 2004:7)"

Failing to find the perpetrators 'evil streak', or monstrous personality, she address the readers directly with what has become a political project as well as a mission: if there is nothing like monsters – only humans, will this not mean that given particular circumstances we could all become perpetrators? Taken into account the still difficult process of writing history; suggesting that the relationship between perpetrator and victim might be arbitrary is not a popular one. However; what I find interesting with this quote is not really her suggestions, it is the way she positions herself prior to explaining her project.

In the preface to *If this is a man* author and Holocaust survivor Primo Levi says about his experiences from Auschwitz: "It seems unnecessary to explain that nothing in this book is made up (Levi 1987:16)" The essence of the quote is quite common for literature about Holocaust; it is not necessary for Levi to convince the reader that what is said is true because he can assume that the reader believes him. Returning to present times and Bosnia Herzegovina; president Milorad Dodik's assumptions could indicate a whole different reality: "We cannot and will never accept qualifying that event [Srebrenica] as a genocide"<sup>6</sup>. The statement was given to the newspaper *Večernje Novosti* when the International Court of Justice concluded that genocide was committed by the Bosnian Serb army in 1995, when more than 8000 men and boys were killed in Srebrenica.

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<sup>5</sup> By Penny Marshall(*Independent Television News*)

<sup>6</sup> <http://www.france24.com/en/20100427-srebrenica-was-not-genocide-bosnian-serb-leader>

Drakulić' quote: *'as it cannot be denied that war crimes were committed'* seems to be a prediction gone wrong. It has the same matter-of-factly tone as the one by Levi, which might be just a way of explaining her audience – mainly westerners and people with sympathies to the tribunal – why she found it important to write about perpetrators. But if we look at these three quotes in relation to each other, she not only describes what she believes to be true, she position herself in a political minefield, and the prediction gone wrong is really a political counter-project. Her mimicry of Levi's calm voice is contrary to the blunt and confrontational way of Dodik, but at the same time she makes it crystal clear that she is not writing from a place where his rhetoric would pass.

It is still not possible to find a common history that is comprehensive enough to refute or confirm either of them – if we are dependent on this history to be perceived as legit to both Serbs, Croats and Bosniaks. All though a substantial amount of facts are verified beyond doubt, they are largely not possible to organize into a whole that seems edible for everyone. Personal experiences mixed with myths and nationalistic propaganda seems to be perceived as more genuine than any external attempt to establish truth could be. Drakulić recalls a similar destructive pattern from a prewar context between World War II and the breakup of the Former Yugoslavia:

"(...) where there is no true history, each person has in his own memory a collection of such images, and it becomes dangerous if he has nothing more than that. Political leaders can appeal to these images, mix them with popular mythology and stir emotions by repeating propaganda endlessly on television. One can hardly defend oneself against such propaganda if there is no common history that everybody can believe in (Drakulić 2004:13)"

The crimes committed in Croatia, Bosnia Herzegovina, Macedonia and Kosovo during the nineteen nineties have been portrayed in numerous forms: photography, prose, songs, poems, articles, court documents, political writings and films. All of them with elements of a reality most of us only had access to from our TV screens when the war was raging; facts, analysis, verdicts, stories, myths, truths and lies absorbs into new stories, new myths and new facts. It is close to impossible to identify stable historical references for war stories without taking on a political position even if it the one supported by internationally recognized facts. This instability and polarization requires strategies for interpretation that can handle that the story may change rapidly according to abrupt shifts in the historical and political landscape.

In search of appropriate ways of interpreting stories in a post conflict society like Bosnia Herzegovina, it seemed logical for me to turn to Primo Levi and theories on analysis of stories from Holocaust. Immediately a very clear challenge appeared. We could see how fragile the identification between the quotes from Drakulić and Levi was as soon as Dodik was added to the comparison. Reading Levi; any interpretation can rely on historical facts from the Holocaust. World War II ended with a general conception of Hitler's Germany as the aggressor, with an undeniable guilt for planning

and implementing genocide; with an agreement that it was not possible to claim with any credibility that the Holocaust did not take place<sup>7</sup>.

Obviously you can find denial of Holocaust, but not as legit position in an ongoing conflict where several parties to the war are still fighting hard to get recognition for their side of the story. The importance of the testimonies in this scenery is that if one succeeds in dominating their interpretations, their significance may be incorporated into the preferred historical discourse, and add yet another piece to the puzzle of a historical construct, texts, myths, film, facts and coffee tables.

### ***'Never Again', 'No one should dare to beat you!' and the beginning(s) of history***

The significance of *when* the war crimes and genocide in Srebrenica happened poses another challenge. It happened in Europe *after* World War II and *after* the creation of UN with its mechanisms for prevention of war and war crimes. It happened *after* the parole of 'Never Again' became a moral imperative in Europe. Essentially; it happened at a point in history when this should not be possible. The end of World War II were to be not only the end of a gruesome past, but also the beginning of a new and better world order, which hopes for a different future was founded on *what should not be* any more.

If we consider the end of the war in Bosnia Herzegovina and the verdicts of the tribunal to be an attempt to reinforce the notion of 'Never Again' and a new beginning, knowing *what it is* that should not happen again is not as easy as it sounds. The identification of the end with the beginning after World War II presupposed a common conception of how 'never again' should materialize. With a wide range of historical discourses to choose from, keeping the past vivid in the present – such preconceptions may be as night and day. "It was not that we were sheltered from the past" says Drakulić, "On the contrary, we may have had too much of it. But our history books were filled not with facts but with legends (Drakulić 2004:12)" In the years before the dissolution of Yugoslavia, nationalism revoked the national stories from before Titos history books. The perception of what is the beginning of national and ethnic (hi)storytelling thus play a decisive role in the political program that accompanies 'Never Again'.

If we come back to the statement from president Dodik it is clear that he denounces the term 'genocide' as an accurate description of what happened in Srebrenica. What is important to understand is that he does not deny that acts of war had terrible consequences or even that war crimes were committed (by all parties that is). What he object to is the quite likely scenario that 'Srebrenica' will become synonymous to the word 'genocide' and that reinforcing the parole of 'Never Again' subsequently will have a certain element of identification between the sufferings of the Jews and the

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<sup>7</sup> Several countries even consider denial of Holocaust a criminal offence, and the UN Human Rights Conventions requires that Neo-Nazi organizations are banned

Bosniaks, leaving Serbs in the position of the perpetrator: ‘Never Again Holocaust’, ‘Never Again Srebrenica’!

Although it is difficult to decide how to apply theory of interpretation of stories from Holocaust to those from war crimes in Bosnia Herzegovina, this is not the case when it comes to comparison of Holocaust and Srebrenica as historical events. Holocaust is of great importance in Serbian politics, as Serbs were victims of severe atrocities. More than eighty thousand people, more than half of them Serbs, were killed in the concentration camp *Jasenovac*<sup>8</sup> in Croatia during World War II, and for obvious reasons this has become the main reference for genocide in Serbian history.

However – Jasenovac is not considered to be the first example of a Serb tragedy. The fight against the Ottoman Empire in the 14<sup>th</sup> century is still a vivid part of history and mythology, and memories of Muslim occupation can still evoke strong sentiments. Of particular importance is the legend of the famous battle on Kosovo Polje in 1389, where the war hero, and later Saint, Lazar was killed by the ‘Turks’. According to the legend; Lazar was approached by an angel the night before that gave him the choice between winning the battle, or losing and be rewarded with a heavenly kingdom for his people. He chose the latter: “Perishable is earthly kingdom, but forever and ever is Kingdom of Heaven!”<sup>9</sup> Effectually this made him and his fellow soldiers into martyrs for the fate of the heavenly Serb people. Lazar’s choice has also got a predictive element, resembling that of destiny. A series of events, from ancient times to Jasenovac converges into a historical construct where Serbs suffer from being victims of war and martyrs for their people. Jasenovac might easily be seen as one of the ordeals that are destined upon the Serbian people.

Later on, St. Lazar and Kosovo became a sacred part in the nationalistic propaganda preceding the dissolution of Yugoslavia. In what was to become the manifesto of Serb nationalism, the *Memorandum* published by the renowned Serbian Academy for Science and Art in 1986<sup>10</sup>, it was claimed that the Serb living in Kosovo were subject to genocide, alluding also to the experiences from World War II (and even said to be worse):

“ The expulsion of the Serbian people from Kosovo bears dramatic testimony to their historical defeat (...) we are still not looking this war in the face, nor are we calling it by its proper name. It has been going on now longer than the entire national liberation war fought in this country from April 6, 1941, to May 9, 1945(...) The physical, political, legal, and cultural *genocide* of the Serbian population in Kosovo and Metohija is a worse defeat than any

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<sup>8</sup> People with a nationalistic agenda tend to claim that the death toll was 700 000, but there are no historical sources that can corroborate this. Experts from the Jasenovac Memorial Site in Croatia had accounts for 80 914 victims by 18 April 2010. 45 923 were Serbs, and among them 12 589 children. <http://www.jusp-jasenovac.hr/Default.aspx?sid=6711>

<sup>9</sup> “Земаљско је за малена царство, а Небеско увијек и довијека!

<sup>10</sup> Mihailo Marković, Vasilije Krestić and Kosta Mihailović are the most known authors of the Memorandum but it is a joint product of the work of 15 scholars

experienced in the liberation wars waged by Serbia from the First Serbian Uprising in 1804 to the uprising of 1941<sup>11</sup>”

From that moment on; the term ‘genocide’ was set free, and it would continue to be in the foreground of the conflict during the war until today. It was in this context Slobodan Milošević found his way to power. At the 1987 anniversary of the Battle at Kosovo Polje he came to speak to the Serbs, comforting them by promising that “No one should dare to beat you”<sup>12</sup> Tihomir Loza and Antony Borden from *Institute for War & Peace Reporting* interpret the event as the moment when “Nationalism was unleashed. Milošević came to Kosovo Polje as a gray party leader and left a Serbian tsar<sup>13</sup>” Later the writer and intellectual Dobrica Ćosić, serving as president of the Federal Republic of Yugoslavia in 1993, forced this same connection into the core war hissing propaganda, warned against...

“...demands for ‘national capitulation’ from the West. ‘If we don't accept’, he predicted, ‘we are going to be put in a concentration camp and face an attack by the most powerful armies of the world’. These outside forces, he said, are determined to subordinate ‘the Serbian people to Muslim hegemony<sup>14</sup>”

In this kind of perception of history: formed by looking back into history and forward through destiny, ‘Jasenovac’ may still be the primary connotation to ‘genocide’ and Holocaust – even after Srebrenica. Dodik knows that any concessions to the verdict of Srebrenica as a genocide would interrupt the comprehensive discourse from ancient times, to Jasenovac, then through the Memorandum, Dobrica Ćosić, Slobodan Milošević and his Bosnian Serb colleagues, the crimes committed against the Serb population during the wars in the nineteen nineteen’s and the present claim that genocide is being committed towards Serbs living in Kosovo – all in the echo of predictions from the *Memorandum*.

Serbia, as opposed to Dodik and Republika Srpska, has slowly begun to revise these policies heading in the direction of membership in the European Union and NATO. Apart from finally arresting the war criminals that have been at large for many years, a milestone was the resolution that passed in the Serbian parliament 2010, strongly condemning the massacre in Srebrenica, and apologizing to the victims that Serbia did not do enough to prevent it from happening. In line with the general political sentiments it could only pass if the word genocide was left out, as well as exact numbers of victims and displaced persons.

Despite the reservations, there is another more sublime part of this rhetoric indicating that things are changing also within the political establishment; the basis for the resolution being the verdict issued by the International Court of Justice in 2007, which confirmed that the Srebrenica massacre was by legal definition genocide.

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<sup>11</sup> The SANU Memorandum pages 41, 56 [http://www.trepca.net/english/2006/serbian\\_memorandum\\_1986/serbia\\_memorandum\\_1986.html](http://www.trepca.net/english/2006/serbian_memorandum_1986/serbia_memorandum_1986.html)

<sup>12</sup> Loza, Borden (1999), <http://www.bu.edu/globalbeat/pubs/ib52.html>

<sup>13</sup> Loza, Borden (1999) <http://www.bu.edu/globalbeat/pubs/ib52.html>

<sup>14</sup> W. Nelan, Bruce, James L. Graff, William Mader and J.F.O. McAllister *Serbia's Spite* Jan. 25 1993 <http://www.time.com/time/magazine/article/0,9171,977561-2,00.html>

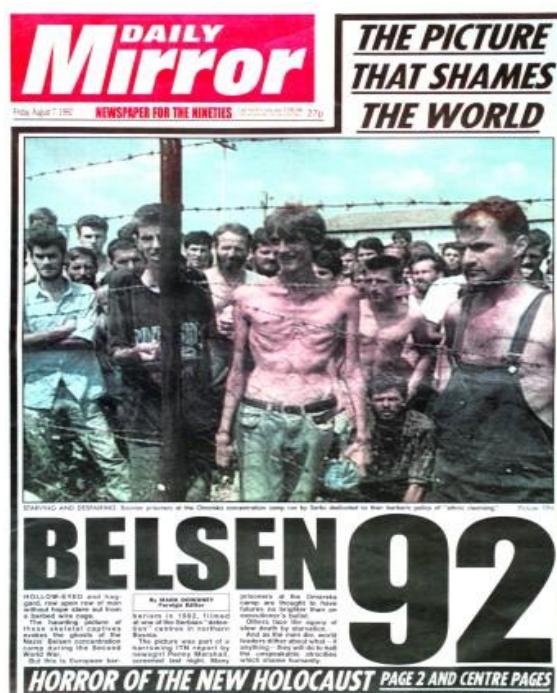


When it comes to the attempt of passing a similar resolution in the parliament of Bosnia Herzegovina, it was prevented by the Bosnian Serb representatives. Even more so, Slavko Jovičić, a parliamentarian in Dodik’s party<sup>15</sup> said that if Bosnia Herzegovina was to adopt a resolution condemning the Srebrenica massacre “...we are going towards new conflicts and confrontations of an unforeseeable magnitude<sup>16</sup>”

### ***Horrors of the new Holocaust?***

Shortly after the war started, a picture from a detention camp became an important example of how the influence of comparing ‘genocide’ and ‘Holocaust’ to Bosnia Herzegovina sparked the international community’s interest in the conflict. Late spring of 1992, rumors began to circulate about concentration camps in the North-East part of Bosnia Herzegovina. Stories of torture, starvation, rape and murder swarmed among refugees, journalists and the international community. The accusations were categorically rejected by the Bosnian Serb leadership who claimed that these were camps for prisoners of war and refugees. But the rumors did not settle, and more people began to ask questions.

Strong international pressure finally resulted in a team of journalists visiting the camps Trnopolje and Omarska, where it allegedly was to be prisoners of war. They only met the prisoners outside the buildings, who did not dare to reveal a lot about their situation. The most important documentation was therefore film and photo. As this picture<sup>17</sup> from Trnopolje appeared on the front pages of European and American newspapers August 7<sup>th</sup> 1992, the Bosnian tragedy became a part of everyday life outside the Balkans. Fikret Alić, the man in the picture, is undoubtedly sick and starved. The prisoners are behind barbed wire, silent and scared.



Still; bony bodies, barbed wire and the fear in the eyes of the prisoners were to be evidence of contradictory stories. David Campbell, journalist, blogger and professor in international relations, describes two major patterns of interpretation in his article *Atrocity, memory photography: imaging the concentration camps of Bosnia – the case of ITN versus Living Marxism*. The first one is denying that the picture reveal war crimes and finding different explanations for what one sees. The Bosnian

<sup>15</sup> The Alliance of Independent Social Democrats

<sup>16</sup> <http://iwpr.net/report-news/bosnian-serbs-block-srebrenica-massacre-resolution>

<sup>17</sup> This is a still picture from a TV reportage by Penny Marshall that was sent at ITN August 6<sup>th</sup> 1992.

Serb attempt at that point was to insist that the skinny body was a symptom of tuberculosis, and that the man was the Serb criminal Slobodan Konjević<sup>18</sup>. The other one is to accept the ordeal that is depicted, and try to find ways to fathom the terror of what one sees, as is what the newspapers did when projecting the picture as evidence of what they considered to be "(...) the horror of the new Holocaust" According to Campbell, it was the connotations to pictures from the Holocaust that made it possible for the picture to become an icon from the war so quickly, and that "(...)the image of Alić became the focal point of a controversy about how the Bosnian camps were represented<sup>19</sup>"

Particularly its resemblance to Margaret Bourke-White's photography "The living Dead at Buchenwald, April 1945" was ideal, as it has got the same constellation of thin male prisoners behind barbed wire. The way Alić was presented in the tabloid news made this connection even more explicit.



Daily Mail had the headline "THE PROOF", and referred to the pictures as "(...) the sort of scenes that flicker in black and white images from 50-year-old films of Nazi concentration camps". Daily Mirrors headline was "BELSEN 92"<sup>20</sup>

To fathom the powerful implications of connecting Bosnia Herzegovina to the Holocaust at this exact moment, it is important to take into account that the war was at its very beginning and we knew little yet, besides what we could assume by looking at the picture. Milestones like the genocide in Srebrenica and other crimes that later became the basis for the verdicts at the tribunal were yet to be committed. Essentially this meant that the debate following its publication to some extent anticipated the coming events by directing our attention back to the events of 1945. When the connection was established through Burke-Whites photograph, Trnopolje became the continuation of the stories from Holocaust. As we have already seen, World War II was inseparable to Jasenovac to the Serb leadership, making the comparison of Holocaust and Trnopolje extremely provoking.

Genocide and Holocaust were not only used as grounds for comparison of the atrocities, but also as a division between the parties according to ethnic lines: who are the victims of a new Holocaust? These contested realities originate *prior* to the establishment of the tribunal, forcing it to be a part of this division. That Serbs were overrepresented in the list of indictments to a tribunal which

<sup>18</sup> Alić' identity is confirmed by independent sources

<sup>19</sup> <http://www.david-campbell.org/photography/atrocity-and-memory/>

<sup>20</sup> All quotes in this paragraph are from Campbell:2002

was a direct descendant of the Nürnberg and Tokyo trials, positioned it at the other side of the table, at the other side of history, from the very beginning. Drakulić statement, at a beginning of her courtroom rewritings is distinctly different from that of Levi exactly because of the connection to the contested legitimacy of the tribunal. Presupposing that the verdicts represent the truth, and that court interpretations correspond to that of ‘real life’, she does the same as Primo Levi. But the matter-of-fact cannot be matter-of-factly in this case, as all matters are so conflicted.

### *Space(s) for interpretation*

As the shock of the revelations from Trnopolje became just one of many accounts from inside the war it was no longer a question of its brutal nature, and the international community began its attempts to negotiate peace. The failure or success of these attempts is not the topic of this paper, but the formation of the tribunal is. From the moment the tribunal was established in 1993 along with the decision that it would not be situated in the region, the dynamic between the court and the site of war was set. It was to be the relationship between two places for interpretation; the first one the tribunal and the second one the scene of the atrocities. Returning to my initial curiosity about the fate of the testimonies from the tribunal, these are the places they circulate, facing the challenges of rapid historical changes and of being subjects to a fierce battle of warring parties

From 1993 and onward the process of indictments began, fully dependant on the collection of testimonies and material evidence such as the ones from Trnopolje. The enormous judicial corpus of the tribunal had a hard time keeping up with the speedy development of the war itself. Needless to say; the distance from atrocities committed in remote areas of Bosnia Herzegovina to the courtrooms of the tribunal was incomprehensible, and the process from *one* testimony to a verdict likewise. Still this distance and the relationship between the individual witness and a trial had to be overcome for the tribunal to act according to its mandate.

What is happening within the walls of the courtroom is a judicial dispute that will ultimately end up with a verdict, as the testimonies are put forward to see if they can fit into the criteria for interpretation of the legal framework. The Italian philosopher Giorgio Agamben is considered to be one of the main theorists for interpreting testimonies from the Holocaust. In his book *Remnants of Auschwitz – the Witness and the Archive* from 1999 he points out that:

”The ultimate aim of law is the production of a *res judicata*, in which the sentence becomes the substitute for the true and the just, being held as true despite its falsity and injustice. (...) once law has produced its *res judicata*, it cannot go any further (Agamben 2002(1999):18)”

Being in essence conclusive, the fixated form of the verdict makes it circulate between the tribunal and the place of the atrocities in another way than the testimonies. In a context where the tribunal is not perceived as legit – the change of scenery for the verdict will potentially subordinate it to other ways of storytelling. It can be part of any discourse, but as the latter evolve – the verdict is still final, only

the way it is being used can change. The testimonies might be broken up, reformulated, changed into more or less anything, given a political discourse that claim ownership to the experiences they contain. They are not dependant on the verdict and can be completely detached from it. In other words; the verdict is dependent on testimonies, but not the other way around.

However; it will release punishments that cannot be reversed by a rhetoric twist: prison sentences, refutation of status of war heroes, loosing or gaining property and providing and being provided with financial reparations. Thus it had to be addressed. For the opponent to the verdict, it is therefore very much necessary to gain control of the interpretations of the testimonies, as they will be the context where the verdict faces the political trial. Perceiving the verdicts as true and just, you will position yourself in the same chain of arguments; the verdict and testimonies playing your desired part.

To navigate within the space of interpretation where the verdict, the only stable factor in court, is no longer the defining component, the nature of this space need to be clarified. It is important to differentiate between the testimony as an individual experience, and as part of a political project. The first is an individual experience *only*, of loss of a family member, violence, fleeing. The second is the context where the testimonies are interpreted and organized in a way that serves a political purpose. While the first is concerned with the past and its horrors, and is occupied with memories and grief, the latter is future oriented and addresses history, politics and the world. The ethnic component is external to the individual experience while the testimony as part of a political project easily compartmentalize within ethnic borders. Promoting a particular political discourse you must succeed in bringing these two modes of the testimony as close to one another as possible; to connect the experiences of the individuals with the ambition for a specific future historic interpretation.

The idea that remnants of the verdicts are *re-appearing* in literature is in reality just a figure of speech, as the real experiences of the verdicts and testimonies never actually left anywhere. While the stories have been treated at the tribunal they were never cut out and removed, and the way they appear in court is merely a fixation of the experience at the moment when the testimony is given. These kind of tribunals' potential for being the new beginnings of interpretation is not a given result of the indictments and verdicts – it is connected to the processes in which the verdict function. What is new when the testimony pass a courtroom is the structure of it, like being part of a verdict, and the context of it: gaining specific political significance for the different parties. Remnants such as the ones in *They would never hurt a fly* can easily belong to Drakulić, Dodik, Ćosić and each of their political projects.

### ***The End?***

The outcome of Drakulić' visits to the tribunal is that of finding a gap so deep between the court and the reality in the region that she has difficulties with believing what she sees. Her conclusions at the

end of the book, observing how the war criminals share their daily life in the Scheveningen detention unites are bitter:

“Serbs and Croatians and Bosnians, who for years fought each other, live happily together (...)The Yugoslavia of 'brotherhood and unity' doesn't exist any longer, except in this very prison(...)They make fools of those who have lost their dear ones(Drakulić 2004:179-180)”

The victims of the atrocities are left to handle the chaos of the post war society, and these people who based their nationalistic rhetoric on the impossibility of peaceful coexistence, seem to be getting along perfectly. The war criminals at the tribunal living apart from the segregation back home, hateful polemics and people’s loss, poverty and pessimism, read the same newspapers, cook traditional food and chat while drinking *Bosnian/Turkish/Serbian coffee*. ”What was it all for? Looking at the merry boys in the Scheveningen detention unit the answer seems clear: for nothing (Drakulić 2004:181-182)”

Finally a short glance to the origins of the photo of Fikret Alić; a peaceful and quiet part of Republika Srpska.



While the trials come to an end at the tribunal, Trnopolje is now a kindergarden, its windows decorated with paper flowers and the courtyard filled with children’s toys.



There are no signs of Fikret Alić’ story on the dusty roads leading to the rusty gate at the back of the buildings. The only remnants from the war is a stone monument under some old pinetrees that hails “... the fighters, whose lives are built into the foundation of Republika Srpska”, and what you cannot see in this picture; a memorial for the soldiers that fought in World War II. It is indeed possible to forget, despite how Fikret Alić’ story has travelled the world. It has everything to do with what one regards as the beginning of (hi)storytelling, and the way the parole of ‘Never Again’ can fit into it.

I hope I have succeeded to depict some of the confusion that influences interpretation of the testimonies from the tribunal, and to at least make a few suggestions as to where it is necessary to rethink theory of interpretation. The tribunal as a space for judicial interpretation of testimonies and accounts like the ones of Trnopolje can indict and convict, but the echo of the testimonies can still easily be the one of Drakulić' sense of nothingness and the absence of Alić at the fields of Trnopolje. 'Back home' it is obvious what has got the strongest impact, repeating a quote by Drakulić; *One can hardly defend oneself against such propaganda if there is no common history that everybody can believe in.*

Radovan Karadžić and Ratko Mladić have recently become a part of the mini-Yugoslavia in Scheveningen, and this was not the case in 2004 when the book was published. The two of them are said to be suffering from a mutual antipathy to – if not the political conviction – the personality of the other. How that turns out is yet to find out.

**Literature:**

- Agamben, Giorgio Translated by Heller-Roazen, Daniel 2002 (1999) *Remnants of Auschwitz – the Witness and the Archive* Zone Books New York
- Campbell, David 2002 “Atrocity, memory photography: imaging the concentration camps of Bosnia – the case of ITN versus *Living Marxism*, Part 1” in *Journal of Human Rights*, VOL. 1, NO. 1 (MARCH 2002), 1-33 Carfax Publishing Taylor & Francis Ltd
- Campbell, David 2002 “Atrocity, memory photography: imaging the concentration camps of Bosnia – the case of ITN versus *Living Marxism*, Part 2” in *Journal of Human Rights*, VOL. 1, NO. 2 (JUNE 2002), 143-172 Carfax Publishing Taylor & Francis Ltd
- Drakulić, Slavenka, 2004 *They would never hurt a fly – war criminals at trial in the Hague*, Penguin group
- Levi, Primo 1987(1979)*If This Is a Man / The Truce*, Penguin Books
- Loza Tihomir, and Anthony Borden , Kosovo Albanians: Closing Ranks, A Global Beat Backgrounder , Global Beat Issue Brief No. 52, March 26, 1999
- Silber, Laura & Alan Little 1997*Yugoslavia: Death of a Nation*, Penguin Books Australia
- Wachtel, Andrew Baruch 1998 *Making a Nation, Breaking a Nation – Literature and Politics in Yugoslavia* Stanford University Press

**Photos:**

*All photos from the war and World War II come from Campbell, David 2002  
The others are private photos from Trnopolje in 2008*